

IN THE ABSTRACT

Please delete the paragraph beginning at page 42, line 13.

REMARKS

Claims 7-9 are pending with Claim 7 being the only independent claim.

Applicants note the objection to the abstract. The second paragraph of the abstract has been deleted. The remaining single paragraph contains less than 150 words.

Withdrawal of the objection is respectfully requested.

Claims 7 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,073,893 (Kondou). Claim 9 was rejected under 35 U.S.C. § 103 as being obvious from Kondou in view of U.S. Patent No. 6,141,364 (Adachi et al.).

Independent Claim 7 is directed to a semiconductor device comprising a substrate and formed thereon an active layer having the principal plane of (111)-plane, the active layer being used in photoelectric conversion.

The Office Action once again asserts that *Kondou* teaches an active layer of (111)-plane on a substrate. Applicants respectfully submit once again that this reading of *Kondou* is not correct. Applicants maintain that the principal plane in the semiconductor structure in *Kondou* is a surface of the region indicated by the symbol 21b (see, for example, Figs. 3 and 6). The surface of the region indicated by the symbol 21a does not constitute a principal plane. A "principal plane" is a horizontal plane when a substrate or a wafer is placed on a horizontal surface, but that term does not include a side plane having unevenness.

Applicants believe this is the usual technical sense of this term for those skilled in this art.

In response to above argument, the Examiner cited a passage from the Shakuda

patent allegedly supporting his position that the term “principal plane” refers to only a “specific plane formed in a crystal material”. However, it is submitted that a careful reading of Shakuda actually supports the Applicants position and not that of the Examiner. The portion of Shakuda quoted by the Examiner, at col. 3, lines 9 and 10 states: “It is preferable to employ a single-crystal silicon substrate of which (111) crystal plane is a principal plane, . . . “. This is not inconsistent with Applicants’ position. The quoted phrase means that the substrate’s principal plane is (111) crystal plane as viewed from the principal plane at the center.

As evidence of this fact, the Examiner is referred to col. 8, lines 9 and 10 of Shakuda, at which the phrase appears: “substrate 21 having a (111) crystal plane as its principal plane”. If the term “principal plane” refers to only a “specific plane formed in a crystal material”, as the Examiner has posited, then the above quoted phrase would have the same meaning as “substrate 21 having a (111) crystal plane”, that is, the words “as its principal plane” would have no meaning.

From the above it is clear that Shakuda, far from supporting the position taken in the Office Action, actually supports the position taken by Applicants. According, for at least the reasons delineated in the previous response, Claim 7 is believed clearly to be patentable over the prior art.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from independent Claim 7, and are therefore believed patentable for the same reasons. Since each dependent claim

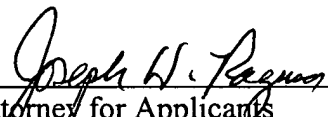
is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

This Amendment After Final Rejection is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. At the very least, however, entry of this Amendment After Final Rejection, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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